

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERRANCE T. POWELL,

Petitioner,

V.

JOHN GAY, *et al.*

Respondents.

Case No. C07-5046RBL-KLS

ORDER FOR SERVICE AND
RETURN, § 2254 PETITION

The Court hereby ORDERS as follows:

(l) The Clerk shall arrange for service by certified mail upon respondent and the Attorney General for the State of Washington, copies of the petition¹, all documents in support thereof, and the Notice of Initial Assignment and Consent Procedure and Consent to Proceed before a United States Magistrate Judge. All costs of service shall be advanced by the United States. The Clerk shall assemble the necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of this Order, the General Order, and the Notice of Initial Assignment and Consent Procedure to Proceed and Consent before a United States Magistrate Judge.

¹Petitioner has requested that the Court replace the first page of his original petition (Dkt. #1-2, p. 1) with a modified copy of that page attached to his response to show cause order (Dkt. #8, p. 4). Petitioner's request hereby is GRANTED. The Clerk, therefore, shall replace the first page of petitioner's original petition (Dkt. #1-2, p. 1) with the modified version of that page attached to his response to show cause order (Dkt. #8, p. 4) prior to service.

(2) Within forty-five (45) days after such service, respondent(s) shall file and serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part of such answer, respondent(s) should state whether petitioner has exhausted available state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse or delay under Rule 9. Respondent shall not file a dispositive motion in place of an answer without first showing cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the Court and serve a copy of the answer upon petitioner.

(3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday after the answer is filed, petitioner may file and serve a response not later than on the Monday immediately preceding the Friday appointed for consideration of the matter, and respondent may file and serve a reply brief not later than on the Thursday immediately preceding the Friday designated for consideration of the matter.

DATED this 13th day of April, 2007.


Karen L. Strombom
Karen L. Strombom
United States Magistrate Judge